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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/051,198

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Andrew V. Hoar

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11/01/2005

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EXAMINER

BHATTACHARJEE, GOPA

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/051,198	Applicant(s) HOAR ET AL.	
	Examiner Gopa Bhattacharjee	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,10,11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) 2-9,12,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/10/02</u> <u>11/10/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, 3-6, 10-11, 13 and 14 are rejected under 35 U.S.C. 102 as being anticipated by Lemaire et al US Patent No. 6, 205, 149.

Regarding claims 1 and 11 Lemaire teaches in Figure 2, a receive ASIC (egress node)

wherein data units are received by Receive state machine 40 (receiving a data unit) through one or more ports for the associated communication link;

further teaches Receive Header Processor 46 (extracting information from the header) for determining a class of service (CoS) priority indicator for the flow (column 1, lines 30-40);

ASIC 26 performs token bucket processing for determining conformity (column 5, lines 5-10) wherein in the event the data unit does not conform, among the various actions retag/remark enable, the COS is changed (column 5, lines 40-50) frames will be retagged and dropped. In the event the data unit conforms to the class of service requirements data is passed to the network;

Wherein in the event that the flow is conforming, the COS is not changed.

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Claim 3 is rejected, regarding claim 3 refer to claim 1, wherein the extracting step includes extracting an indication of the length of the data unit from the header field, Receive Header Processor 46 of Receive-ASIC 27 extract the data length.

Claim 4 is rejected, regarding claim 4 refer to claim 3, wherein accessing a token bucket value for the data flow the Receive-ASIC 27 (which includes Receive Header processor 46, Receive Frame processor 48 and Receive State machine 40) along with Address Cache ASIC 26 access the token bucket value for the data flow and subtract the data length from the token value (column 6 lines 30-40).

Claim 5 is rejected, regarding claim 5 refer to claim 1 wherein the accessing step includes accessing one of the plurality of actions, the prior art discloses the plurality of actions are returned from the ASIC 26 (column 5, lines 5) .

Claim 6 and 13 are rejected, regarding claim 6 and 13 refer to claim 5 (method) and 11 (apparatus) respectively, wherein accessing one of the plurality actions using the indication of the service class requirement. ASIC 26 plurality actions are based on CoS (column 1, line 60-65).

Claim 10 is rejected, regarding claim 1 receiving data units in a plurality of first data flows at the ingress node using fair queuing which deals with allocating bandwidth fairly to users.

Claim 14 is rejected the apparatus of claim 13 wherein the action table includes a plurality of data entries. Each data entry comprising a plurality of action fields ASIC 26 returns plurality actions (column 5, lines 5).

Allowable Subject Matter

3. Claims 2, 7-9, 12, 15 and 16 are allowable. The following is a statement of reasons for the indication of allowable subject matter.

Regarding claims, in combination with claims 1 & 2 the reference in the prior art fails to teach or suggest the determining the data flow as a sub-flow of an aggregated data flow ; accessing class of service requirement for aggregated data flow; performing token bucket processing for the aggregated data flow; in the event the data unit does not conform, accessing one of a second plurality of actions, based at least one service class requirement for the first data flow, second plurality of actions including re-marking the data unit with one new Cos requirement and dropping the data unit ; in the event of conformation for the aggregated data flow, passing the data unit.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopa Bhattacharjee whose telephone number is (571) 272-0778. The examiner can normally be reached on Monday through Friday from 9:00 AM to 4:30 PM ETS.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GB

ANDY LEE
PATENT EXAMINER

9/26/05.